

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT  
OF INDIANA  
LAURA A. BRIGGS  
CLERK

ALINA C. COLLINS,  Plaintiff,  v.  BOWMAN, HEINTZ, BOSCIA & VICIAN P.C.,  Defendant.	CASE NO.   COMPLAINT  <b>1:10-cv-1629-JMS-TAB</b>
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**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for actual damages, statutory damages, punitive damages, costs of the action and a reasonable attorney's fee brought by Plaintiff Alina C. Collins for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendant.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331 and 1337.

**III. PLAINTIFF**

3. Plaintiff Alina C. Collins is a natural person residing in Marion County, Indiana.

**IV. DEFENDANT**

4. Defendant Bowman, Heintz, Boscia & Vician, P.C. (hereinafter "Bowman, Heintz") is a for-profit domestic professional corporation with its principal place of business in Lake County, Indiana.
5. At all relevant times herein, Bowman, Heintz was operating as a debt collector as defined by 15 U.S.C. § 1692a(6).

## **V. STATEMENT OF FACTS**

6. Defendant filed a lawsuit on an alleged debt against Plaintiff on November 9, 2009 in Marion County – Center Township Small Claims Court, Cause No. 49K01-0911-SC-11954 (hereinafter “state court lawsuit”).
7. At some time prior to December 17, 2009, Defendant prepared a document titled “INFORMATION SHEET” (attached hereto as Exhibit A).
8. At some time prior to December 17, 2009, Defendant enlisted the staff of the Marion County – Center Township Small Claims Court to distribute to defendants that had been sued by Defendant in the Marion County – Center Township Small Claims Court and to collect it after it had been filled out.
9. On December 17, 2009, Plaintiff attended court on the state court lawsuit. Plaintiff was given the INFORMATION SHEET by court staff upon arriving at the court. Plaintiff asked the court staff person who gave her the form if she was required to complete it. The court staff person replied “Yes.”
10. On May 13, 2010, Plaintiff attended court on the state court lawsuit. Plaintiff was given the INFORMATION SHEET by court staff upon arriving at the court.

## **VI. CLAIMS FOR RELIEF**

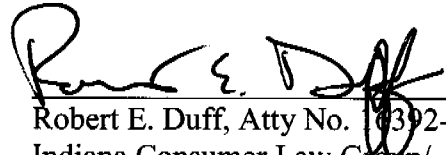
### **A. Fair Debt Collection Practices Act**

11. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through ten above.
12. By having court staff distribute the INFORMATION SHEET to Plaintiff, Defendant violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
  - (a) The false representation or implication that Defendant is vouched for or affiliated with the state court, in violation of 15 U.S.C. § 1692e(1);
  - (b) The use and distribution of a written communication which simulates or is falsely represented to be a document authorized, issued or approved by the state court and which creates a false impression as to its source, authorization or approval, in violation of 15 U.S.C. § 1692e(9);
  - (c) The use of any false representation or deceptive means to collect or attempt to collect a debt and to obtain information concerning a consumer, in violation of 15 U.S.C. § 1692e(10);
  - (d) The false representation or implication that a document is legal process, in violation of 15 U.S.C. § 1692e(13).

13. As a result of the violations of the Fair Debt Collection Practices Act, Defendant is liable to Plaintiff for her actual damages, statutory damages, punitive damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff Alina C. Collins respectfully requests that the Court enter judgment in her favor and against Defendant in an amount that will compensate her for her actual damages, statutory damages, punitive damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert E. Duff", is written over a horizontal line.

Robert E. Duff, Atty No. 16392-06  
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